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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/756,870 | 01/15/2004 | Chris Childres | UP11 | 3426 |
| 34356 | 7590 | 12/13/2004 | EXAMINER | |
| ASHKAN NAJAFI, P.A. 6817 SOUTHPOINT PARKWAY SUITE 2301 JACKSONVILLE, FL 32216 | | | BOSWELL, CHRISTOPHER J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3676 | |

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/756,870 | CHILDRES ET AL. |
| Examiner | Art Unit | S |
| | Christopher Boswell | |

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-7,9-12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-7,9-12,14 and 15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 January 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-7, 9-12, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 1,359,213 to Welch.

Welch discloses a locking device having a plurality of non-linear locking members (10 and 12) each having a first end portion pivotally connected to each other for allowing the plurality of locking members to be selectively moved between open (figure 3) and closed (figure 2) positions, each the plurality of locking member further having a second end portion removably engageable with each other when positioned about a perimeter of a shaft (7), one of the plurality of locking members has a plurality of elongated sections (10 and 12) pivotally connected to each other for allowing the device to be engaged about a shaft (7) having an oblique shape (figure 1), a plurality of hasps (16 and 22) secured to the plurality of locking members and being engageable with each other when the lock is moved to a closed position, the plurality of hasps each having an aperture (21) formed therein and being alignable with each other for receiving a lock (17) therethrough to thereby maintain the device at a closed position, a first locking pin (13) secured to one the plurality of locking members and extending outwardly therefrom, the first locking pin being positionable into a shaft for preventing the shaft from moving beyond a predetermined position, and a second locking pin (15) secured to another the

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plurality of locking members and extending outwardly therefrom towards the first locking pin and being removably positionable into a shaft, the first and second locking pins being oppositely spaced from each other (figure 2), as in claims 1-2, 5, 7, 10 and 12.

Welch discloses the first locking pin having an end portion (the junction disposed between the end of the pin and the locking members) disposed adjacent another the plurality of locking members, as in claims 4, 9, and 14, as well as the plurality of locking members are formed to have substantially arcuate shapes (figures 2 and 3) for engaging about a shaft, as in claims 6, 11, and 15.

Response to Arguments

Applicant's arguments filed October 14, 2004 have been fully considered but they are not persuasive. Regarding the argument that Welch's locking device's hasps are integral with, and formed as a part of, the non-linear locking members (remarks page 6, lines 5-12), wherein the current invention hasps are separate and distinct members that are not integral therewith. The examiner carefully reviewed the current claims in the Applicant's disclosure, and has failed to find where the plurality of hasps are separate and distinct members and are not integral with the locking members. Therefore, Welch discloses a plurality of hasps that are secured to the locking members and are engageable with each other when the lock is moved to a closed position, as recited in claims 1, 7, and 12.

Further regarding the argument that Welch does not disclose one of its locking members as having a plurality of elongated sections (remarks page 6, line 24-page 7, line 1), the examiner points out that the locking members of Welch are comprised of elongated sections, thus the indication of the same reference numeral.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB 
December 2, 2004

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600